

THIRTY-SEVENTH DAY

(Wednesday, March 19, 1947)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Knight	York
Moffett	

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Kelly of Tarrant was granted leave of absence for today on account of illness on motion of Senator Proffer.

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Carney.

Senator Lane was granted leave of absence for today on account of important business on motion of Senator Carney.

Reports of Standing Committees

Senator Moffett submitted the following reports:

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, Your Committee on State Affairs, to whom was referred S. B. No. 141, have had the same under consideration, and I am instructed to report it back to the Senate with

the recommendation that it do pass as amended, and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 233, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 363, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. C. R. No. 20, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 19, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 16, have had the same under consideration, and I am instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 50, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 49, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 45, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 28, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senator Morris submitted the following reports:

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

Senate Bill No. 329, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Vice Chairman.

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill No. 328, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Vice Chairman.

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill No. 247, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Vice Chairman.

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill No. 34, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Vice Chairman.

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill No. 212, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Vice Chairman.

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill No. 295, have had same

under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

MORRIS, Vice Chairman.

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred House Bill 117, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

MORRIS, Vice Chairman.

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate:

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill No. 309, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MORRIS, Vice Chairman.

Senator Crawford submitted the following reports:

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Veteran's Affairs, to whom was referred S. B. No. 312, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CRAWFORD, Chairman.

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred S. B. No. 361, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

CRAWFORD, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. 362, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 491, A bill to be entitled "An Act creating a more efficient road system for Limestone County, Texas, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Bill Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

H. B. No. 288, A bill to be entitled "An Act making appropriation to pay deficiency appropriations granted by the Governor prior to January 1, 1947, and for which no appropriations have heretofore been made; and declaring an emergency."

House Bill 37 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 37, A bill to be entitled "An Act amending Section 10 of Article 46A, Vernon's Texas Civil Statutes; permitting the State Department of Public Welfare to have access to information on adoptions as reported to the Bureau of Vital Statistics, State Department of Health; providing for certain additional information, and providing for the safeguarding of the confidential nature of adoption records; repealing clause; saving clause; and declaring an emergency."

The bill was read second time.

Senator Chadick offered the following committee amendment to the bill:

Amend H. B. No. 37 by striking out all below the enacting clause and inserting in lieu thereof, the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 10 of Senate Bill 383, Chapter 177, page 300, General Laws of the State of Texas, Regular Session of the 42nd Legislature, Acts of 1931, shall be amended to hereafter read as follows:

"Sec. 10. The file and records of the Court in adoption proceedings shall not be open to the inspection or copy by persons other than parties interested and their attorneys, except upon order of the Court especially permitting inspection of the records, except that all judgments, orders and decrees of the Court may be open to inspection of any person and certified copies may be obtained from the Clerk of the Court and provided that the State Department of Public Welfare shall have access to final orders of adoptions and reports of revocations of adoptions and of annulments and other reports in connection therewith, as hereinafter provided for statistical licensing and the purposes hereinafter set out. In addition to the information reports and statistics now received by the Registrar of the Bureau of Vital Statistics of the State Department of Health, the Registrar is hereby authorized, and empowered to secure the following information regarding adoptions: County in which adoption was consummated; Judicial District number; Court Docket number; age of child at the time of adoption, relation, if any, to adoptive father and mother, residence of child and residence of petitioners, whether child placed by doctor, midwife, licensed or other social agency or any specified individual; whether social investigation was made by a licensed or other social agency, County Child Welfare Office, Probation Department, minister or other individual. Such information shall be obtained by the Registrar of the Bureau of Vital Statistics of the State Department of Health, and shall not be divulged except on the order of the Court wherein the adoption proceedings were held, or upon the application under oath of the Director of the State Department of Public Welfare, which application shall state the information desired

and that it is necessary for statistical or licensing purposes or to make a proper disposition of a case or cases then pending in or under investigation by the State Department of Public Welfare. Upon presentation of such statement under oath the Registrar of the Bureau of Vital Statistics of the State Department of Health shall make available such records to the State Department of Public Welfare. The Department of Public Welfare shall not divulge information concerning any individual adoption case except upon order of the Court."

Sec. 1a. All records data and information except that mentioned in Section 1 hereof, shall be open to public inspection at reasonable hours during any business day.

Sec. 2. All laws or parts of laws in conflict herewith are hereby repealed to the extent of the conflict only.

Sec. 3. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Act or application thereof to any person or circumstances is held invalid, such holdings shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares it would have passed such remaining portions despite such invalidity.

Sec. 4. The fact that at the present time the full extent of adoptions on a State-wide basis is unknown; the fact that some adoptions are indicated as representing illegal placements; the fact that to provide the proper protection to parents, foster parents and children in adoption matters requires a knowledge of the extent and nature of adoptions and their locale; the fact that the State Department of Public Welfare is charged by law with the responsibility of promoting the general welfare of all children in the State of Texas; and the further fact that all the records of the Department of Public Welfare are confidential; and the fact that this information will serve not only the welfare of the people affected, but the public at large creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House, and the Constitutional Rule requiring bills to take effect and go into force ninety (90) days after adjournment of the session be and the same are hereby suspended, and this Act shall take

effect and be in force from and after its passage, and it is so enacted.

The committee amendment was adopted.

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend H. B. No. 37 by striking out Section 1 thereof and substituting the following:

Section 1. Section 10 of Article 46-A, Vernon's Texas Civil Statutes, shall be amended to hereafter read as follows:

"Section 10. The files and records of the Court in adoption proceedings shall not be open to the inspection or copy by persons other than the parties interested and their attorneys, except upon order of the Court especially permitting inspection of the records, except that all judgments, orders and decrees of the court may be open to inspection of any person and certified copies may be obtained from the Clerk of the Court; and provided that the State Department of Public Welfare shall, for statistical, licensing, and other legal purposes, have access to final orders of adoption and reports of revocations of orders of adoptions and of annulments as received by the Registrar of Vital Statistics of the State Department of Health. In addition to the information already received by the Registrar of Vital Statistics presently or which later may be secured as provided by law, said Registrar may and is hereby directed for State Department of Public Welfare purposes to secure information as to whether the child adopted was placed by a licensed child placing institution or licensed individual or otherwise; and if such child adopted was placed for adoption by an unlicensed institution, agency, person or individual, the registrar may and is hereby directed for State Department of Public Welfare purposes to secure any other information which he might deem material concerning the adoption, the placement, the investigation, the child and the adoptive parents. The information obtained by the Department of Public Welfare shall be kept confidential, shall not be opened to inspection or copy by persons except upon order of the Court especially permitting inspection, and the Department of Public Welfare shall not divulge information about any individual adoption case except upon order of the Court. Such

records as are obtained by the Department of Public Welfare from the Registrar of Vital Statistics under the provisions of this section shall be kept in Austin, Texas, and shall not be removed to other parts of the state except upon order of the Court especially permitting temporary removal of such records as should be specified in such order."

The amendment was adopted.

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend H. B. 37 by inserting after Section 1, another section to be called Section 1a to read as follows:

"Section 1a. The provisions of this Act shall not apply to any adoption proceedings that have been had and final order of court made and entered therein prior to the effective date of this Act."

The amendment was adopted.

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend H. B. 37, by adding a new section thereto, following Section 1, to be known as Section 1b, to read as follows:

"Any officer or employee of the Department of Public Welfare, or any other officer, employee or official, who shall either before or after the termination of his or her term of office or employment, shall divulge any information pertaining to said adoption proceedings, or permit the same to be done with his or her knowledge and consent, except as authorized by this Act, shall be deemed guilty of a felony and upon conviction shall be punished by confinement in the penitentiary for a period of not less than one (1) year nor more than five (5) years."

The amendment was adopted.

The bill was passed to third reading by the following vote:

Yeas—18

Aikin	Knight
Brown	Moffett
Bullock	Morris
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hazlewood	Strauss
Jones	Taylor

Nays—9

Hardeman	Harris
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Kelley of Hidalgo	Vick
Parrish	Winfield
Phillips	York
Tynan	

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

House Bill 37 on Third Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 37 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—17

Aikin	Knight
Brown	Moffett
Bullock	Morris
Carney	Proffer
Chadick	Ramsey
Cousins	Stewart
Crawford	Strauss
Hazlewood	Taylor
Jones	

Nays—10

Hardeman	Stanford
Harris	Tynan
Kelley of Hidalgo	Vick
Parrish	Winfield
Phillips	York

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

House Bill on First Reading

The following bill received from the House today was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 491, to Committee on Counties and County Boundaries.

House Bill 29 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 29, A bill to be entitled "An Act establishing a pension system for employees of cities and towns of this State; authorizing municipalities and their employees to voluntarily participate therein; providing that the Legislature shall never make any appropriation to pay any of the

cost thereof, etc., and making this effective immediately."

The bill was read second time and was passed to third reading.

House Bill 29 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 29 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Knight
Brown	Moffett
Bullock	Morris
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Winfield
Kelley of Hidalgo	York

Nays—3

Parrish	Vick
Stanford	

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 58, Suspending Joint Rule to permit the Senate to consider Senate Bill No. 318 on Wednesday and/or Thursday of this week.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives

House Bill 226 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 226, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas and the Board of Directors of the Sealy & Smith Foundation for the John Sealy Hospital jointly to pledge the income from the trust fund of \$700,000.00, established by Chapter 4, Acts, First Called Session, 39th Legislature, for the purpose of constructing permanent improvements in connection with the John Sealy Hospital or with the Medical Branch of the University of Texas at Galveston, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 226 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 226 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Knight	York
Moffett	

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Brown
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Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Ramsey
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Knight	Winfield
Moffett	York
Morris	

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

House Concurrent Resolution 58

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 58, Suspending the Joint Rule to permit consideration of Senate Bill No. 318 on Wednesday or Thursday of this week.

The resolution was read.

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the resolution was considered immediately.

The resolution was adopted by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Knight	York
Moffett	

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

House Bill 268 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 268, A bill to be entitled

"An Act making an emergency appropriation to the Attorney General for court costs, supplies, clerical expenses, and employment of additional assistants and stenographers for the purpose of preparing, investigating and prosecuting suits for recovery of delinquent corporation franchise taxes and forfeiture of charters as provided in Article 7095, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 268 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Knight	York
Moffett	

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Jones
Brown	Kelley of Hidalgo
Bullock	Knight
Carney	Moffett
Chadick	Morris
Cousins	Parrish
Crawford	Phillips
Hardeman	Proffer
Harris	Ramsey
Hazlewood	Stanford

Stewart	Vick
Strauss	Winfield
Taylor	York
Tynan	

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

Report of Standing Committee

By unanimous consent, the following committee report was submitted at this time:

Austin, Texas,
March 18, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 481, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Vice Chairman.

House Bill 304 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 304, To amend Title 114 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new Article, entitled Article 6574b, providing for duplication of public records by photostatic and other medium of copying and reproducing, for the preservation of such duplicate records, etc.

The bill was read second time and was passed to third reading.

House Bill 304 on Third Reading

Senator Stanford moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 304 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hardeman
Brown	Harris
Bullock	Hazlewood
Carney	Jones
Chadick	Kelley of Hidalgo
Cousins	Knight
Crawford	Moffett

Morris	Strauss
Parrish	Taylor
Phillips	Tynan
Proffer	Vick
Ramsey	Winfield
Stanford	York
Stewart	

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Morris
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Chadick	Ramsey
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Knight	York
Moffett	

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

Motion to Adjourn

Senator Phillips moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—6

Bullock	Knight
Crawford	Phillips
Hardeman	Stanford

Nays—20

Aikin	Morris
Brown	Parrish
Carney	Proffer
Cousins	Ramsey
Harris	Stewart
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Moffett	Vick

Winfield	York
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Absent

Chadick

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

House Bill 17 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 17, A bill to be entitled "An Act fixing the terms of leases covering any area within river beds and channels, unsold school lands, both surveyed or unsurveyed, or any area within tidewater limits, including islands, lakes, salt water lakes, bays, inlets, marshes, reefs, the bed of the sea and that portion of the Gulf of Mexico now or hereafter within the jurisdiction of the State of Texas; providing for the amendment of existing leases covering such lands and areas; repealing all laws and parts of laws in conflict herewith; declaring the provisions hereof severable; and declaring an emergency."

The bill was read second time.

Senator Vick offered the following amendment to the bill:

Amend House Bill No. 17 by adding the word "and" between the words "oil" and "gas" appearing in line 54, page 1 of the printed bill, and striking out the words "or other mineral" appearing in the same line.

Senator Carney moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—17

Aikin	Parrish
Brown	Proffer
Carney	Ramsey
Cousins	Stewart
Harris	Strauss
Hazlewood	Taylor
Kelley of Hidalgo	Tynan
Moffett	York
Morris	

Nays—9

Bullock	Jones
Crawford	Knight
Hardeman	Phillips

Stanford Winfield
Vick

Absent

Chadick

Absent—Excused

Kelly of Tarrant Mauritz
Lane Weinert

Senator Vick offered the following amendment to the bill:

Amend House Bill No. 17 by adding the following words to the sentence which ends with the word "withdrawn" in line 5, page 2 of the printed bill, to-wit:

"and an application to extend said lease shall not be again entertained or considered."

Senator Carney moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—15

Aikin	Morris
Brown	Ramsey
Carney	Stewart
Cousins	Strauss
Harris	Taylor
Hazlewood	Tynan
Kelley of Hidalgo	York
Moffett	

Nays—12

Bullock	Parrish
Chadick	Phillips
Crawford	Proffer
Hardeman	Stanford
Jones	Vick
Knight	Winfield

Absent—Excused

Kelly of Tarrant Mauritz
Lane Weinert

Senator Stanford offered the following amendment to the bill:

Amend H. B. 17 by striking out the words and figures "Two Dollars (\$2) per acre" appearing in the last two lines on page 1 of the printed bill, and inserting in lieu thereof the following: "the true and actual value of such lease as determined by said School Land Board."

Senator Carney moved to table the amendment.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Brown	Ramsey
Carney	Stewart
Cousins	Strauss
Harris	Taylor
Hazlewood	Tynan
Moffett	York
Morris	

Nays—14

Aikin	Knight
Bullock	Parrish
Chadick	Phillips
Crawford	Proffer
Hardeman	Stanford
Jones	Vick
Kelley of Hidalgo	Winfield

Absent—Excused

Kelly of Tarrant Mauritz
Lane Weinert

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—13

Aikin	Parrish
Bullock	Phillips
Chadick	Proffer
Crawford	Stanford
Hardeman	Vick
Jones	Winfield
Kelley of Hidalgo	

Nays—14

Brown	Morris
Carney	Ramsey
Cousins	Stewart
Harris	Strauss
Hazlewood	Taylor
Knight	Tynan
Moffett	York

Absent—Excused

Kelly of Tarrant Mauritz
Lane Weinert

Question—Shall the bill be passed to third reading?

Motion to Adjourn

Senator Phillips moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Bullock	Parrish
Chadick	Phillips
Crawford	Proffer
Hardeman	Stanford
Jones	Vick
Knight	

Nays—16

Aikin	Morris
Brown	Ramsey
Carney	Stewart
Cousins	Strauss
Harris	Taylor
Hazlewood	Tynan
Kelley of Hidalgo	Winfield
Moffett	York

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

Senator Phillips offered the following amendment to the bill:

Amend H. B. 17, line 5, page 2 following the word "withdrawn" by striking out the period and adding the following: "and it shall be necessary to submit a new application, based upon competitive bidding."

Question—Shall the amendment be adopted?

Motion to Adjourn

Senator Proffer moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—11

Bullock	Parrish
Chadick	Phillips
Crawford	Proffer
Hardeman	Stanford
Jones	Vick
Knight	

Nays—16

Aikin	Morris
Brown	Ramsey
Carney	Stewart
Cousins	Strauss
Harris	Taylor
Hazlewood	Tynan
Kelley of Hidalgo	Winfield
Moffett	York

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

Motion to Recess

Senator Chadick moved that the Senate recess to 2:30 o'clock p. m., today.

The motion was lost.

Recess

Pending further consideration of the amendment, Senator Chadick moved that the Senate recess to 2:30 o'clock p. m., today.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—25

Aikin	Parrish
Brown	Phillips
Bullock	Proffer
Carney	Ramsey
Chadick	Stanford
Cousins	Stewart
Crawford	Strauss
Hardeman	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Knight	Winfield
Moffett	York
Morris	

Nays—2

Harris	Hazlewood
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Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

The Senate accordingly at 12:35 o'clock p. m., took recess to 2:30 o'clock p. m., today.

Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President pro tempore.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

The House refused to concur in Senate amendments to House Bill No. 35 and has requested the appointment of a conference committee to con-

sider the differences between the two Houses.

The following conferees have been appointed on the part of the House: Spencer, Edwards, King, McDaniel, McFarland.

H. C. R. No. 59, Inviting the Honorable Randolph Churchill to address a Joint Session of the Legislature on March 20th.

S. J. R. No. 4, Proposing an amendment to Article VII of the Constitution of the State of Texas by the addition of two new sections to be known as Sections 17 and 18, providing a method for the construction and equipment of buildings and other permanent improvements at state institutions of higher learning; providing for an election and the issuance of a proclamation therefor. (With amendments).

H. C. R. No. 53, Memorializing the President and Congress of the United States to introduce and enact appropriate legislation authorizing the immediate redemption of bonds issued to the enlisted members of the Armed Forces for accumulated leave pay under the terms of the Armed Forces Leave Act of 1946.

H. C. R. No. 54, Memorializing the life of George Bannerman Dealey.

H. C. R. No. 56, In memory of Mr. James Lands.

H. C. R. No. 57, Requesting the Governor to issue a proclamation naming Dr. O. J. Chastain Ambassador of Good Will to the Baptist World Alliance in Copenhagen, Denmark.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 59

The Presiding Officer laid before the Senate for consideration at this time.

H. C. R. No. 59, Inviting the Honorable Randolph Churchill to address a Joint Session of the Legislature on March 20, 1947.

The resolution was read.

Senator Brown asked unanimous consent of the Senate to consider the resolution immediately.

The President pro tempore announced that there was objection.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,
March 19, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred S. B. 333, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

JONES, Chairman.

House Bill 17 on Passage to Third Reading

The Senate resumed consideration of pending business, same being House Bill No. 17 on passage to third reading, with an amendment by Senator Phillips pending.

Question—Shall the amendment be adopted?

Senator Phillips resumed discussion of the amendment.

Senator Parrish raised the point of order that there was not a quorum present.

The President pro tempore overruled the point of order.

(Senator Aikin in the chair.)

Senator Cousins raised a point of order against further discussion of the amendment by Senator Phillips on the ground that his remarks were not confined to the amendment.

The Presiding Officer requested Senator Phillips to confine his remarks to the amendment.

Pending further debate by Senator Phillips on the pending amendment, Senator Kelley of Hidalgo raised the point of order against further consideration of the amendment at this time, on the ground that there was not a quorum present.

The Presiding Officer directed the Secretary to call the roll.

The roll was called and the following Senators answered to their names:

Aikin	Cousins
Brown	Crawford
Bullock	Hardeman
Carney	Harris
Chadick	Kelley of Hidalgo

Knight	Stewart
Moffett	Strauss
Morris	Taylor
Phillips	Tynan
Proffer	Vick
Ramsey	Winfield
Stanford	York

The Presiding Officer announced that there was a quorum present.

Request for Executive Session

Senator Brown asked unanimous consent that the Senate hold an executive session at 4:40 o'clock p. m. today.

The Presiding Officer announced that there was objection to the request.

Pending further discussion of the amendment, Senator Parrish raised the point of order that there was not a quorum present.

The Presiding Officer directed the Secretary to call the roll.

The roll was called and the following Senators answered to their names:

Aikin	Parrish
Brown	Phillips
Bullock	Proffer
Carney	Ramsey
Chadick	Stanford
Cousins	Stewart
Crawford	Strauss
Hardeman	Taylor
Harris	Tynan
Hazlewood	Vick
Kelley of Hidalgo	Winfield
Knight	York
Moffett	

The Presiding Officer announced that there was a quorum present.

Senator Cousins raised a point of order against further debate on the pending amendment by Senator Phillips on the ground that his remarks were not germane to the amendment and that he was using dilatory tactics in calling for a third reading of the amendment.

The Presiding Officer requested Senator Phillips to confine his remarks to the discussion of the amendment.

Senator Harris raised a point of order against further discussion of the amendment by Senator Phillips on the ground that his remarks were not confined to the business at hand and that he was using dilatory tactics.

The Presiding Officer stated that he

would submit the point of order to the Senate for its decision.

Question—Shall the point of order be sustained?

Senator Harris then withdrew the point of order.

(President pro tempore in the Chair.)

Senator Phillips concluded his remarks on the pending amendment.

Question—Shall the amendment by Senator Phillips be adopted?

Adjournment

Senator Phillips moved that the Senate adjourn until 10:30 o'clock a. m., tomorrow.

Yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—21

Aikin	Phillips
Brown	Proffer
Bullock	Stanford
Chadick	Stewart
Crawford	Strauss
Hardeman	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Knight	York
Parrish	

Nays—6

Carney	Moffett
Cousins	Morris
Harris	Ramsey

Absent—Excused

Kelly of Tarrant	Mauritz
Lane	Weinert

The Senate, accordingly, at 7:25 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

THIRTY-EIGHTH DAY

(Thursday, March 20, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.